



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,505	11/13/2000	Gerard D. Lynch	SYMC1030	4489

34350 7590 09/03/2004

GUNNISON, MCKAY & HODGSON, L.L.P.  
1900 GARDEN ROAD, SUITE 220  
MONTEREY, CA 93940

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2141

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/709,505

Applicant(s)

LYNCH ET AL.

Examiner

Le H Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/27/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 03/27/04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2141

1. Claims 1-74 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-74 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kim** patent no. **6,546,002**.
4. As to claim 1, Kim teaches the invention substantially as claimed, including a method for transferring the look and feel of at least a first computer-based device to remote computer based storage, said transfer across HTTP-based networks, said method comprising the steps of:

using a software component to manipulate settings (figure 3, col. 6 lines 17-29);

remotely analyzing said first computer-based device to discover applicable hardware and software settings comprising said environment (col. 6 lines 17-29);

listing settings available for transfer (col. 4 lines 18-20; col. 5 line 48 - col. 8 line 63);

using said software component to locate, extract and transfer specified settings from said listed settings (col. 5 line 48 - col. 8 line 63); and

storing and uniquely identifying said transferred settings in said remote storage (col. 7 lines 30-42, figure 3, profile data 138a).

However, Kim does not explicitly teach downloading said software. Official Notice is taken that downloading software is well known. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the well known teaching with the teachings of Kim to download software because it would provide additional functions on user computer.

5. As to claims 2-5 and 8-9 Kim teaches said listing settings includes HTML document, said stored settings are retrieved by a requesting device from said remote storage; loading and installing on said requesting device a compatible version of said identified stored settings; instructions comprise the following formats XML, SGML, HTML (col. 2 lines 21-35; col. 13 lines 5 - col. 14 line 67).

6. As to claim 6-7, Kim teaches said network is the Internet, LAN, WAN, wireless web, or telecommunication based (col. 7 lines 11-29).

7. As to claim 10, Kim teaches said first computer-based device comprises one or more of the following: personal computer systems, laptops, portable computers, net devices, palm computers, and Web and WAP phones (col. 6 lines 1-29).

8. As to claim 11, Kim teaches said settings comprise any from the following list: hardware settings, system settings, attached device settings, application settings, document settings, desktop settings, files data, email settings, address book settings, bookmarks, and cookies (col. 5 lines 56-67; col. 7 lines 11-30; col. 8 lines 23-63).

9. Claims 12-74 have similar limitations as claims 1-11; therefore, they are rejected under the same rationale.

10. In the remarks, applicant argued in substance that

(A) Prior art does not teach listing settings available for transfer.

As to point (A), Kim teaches a mobile interface agent (MIA) that is used to manage, distribute, retrieve, and access information. In addition, MIA can be used to list different fields in a particular user profile data for updating or synchronizing (col. 5 line 48 - col. 8 line 63).

(B) Prior art does not teach locating, extracting and transferring specified settings from said listed settings.

As to point (B), Kim also teaches MIA can be used to locate and extract modification and changes in different fields in a particular user profile data for updating or synchronizing (col. 5 line 48 - col. 8 line 63).

11. Applicant's arguments filed on 05/27/2004 have been fully considered but they are not deemed to be persuasive.

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached at (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications; please mark  
"EXPEDITED PROCEDURE").

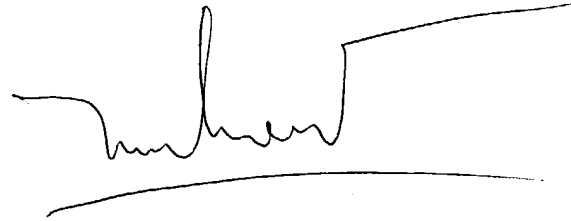
**Or:**

(703) 746-7240 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

**Or:**

(703) 746-7238 (for After Final  
communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', with a horizontal line drawn underneath it.

LE HIEN LUU  
PRIMARY EXAMINER

August 31, 2004